

MINUTES OF SIOUX COUNTY BOARD OF SUPERVISORS

MEETING HELD ON JUNE 29, 2004

The Board of Supervisors of Sioux County, Iowa, met pursuant to adjournment at 9:30 o'clock a.m. with Chairman Mark Sybesma presiding. Members present were Loren Bouma, Vernon Beernink, Mark Sybesma, Bernard L. Smith and Stanley L. De Haan.

Minutes of June 15, 2004 were submitted and on motion and vote stand approved as submitted.

Committee reports were given this date.

Melissa O'Rourke, County Attorney, met with the Board this date to report on the contents of the Troy Peterson, Plaintiff vs. Sioux County, Iowa, Defendant, lawsuit filed in the Iowa District Court in Sioux County. She also reported on the contents of the Sioux Center Community Hospital on behalf of Franken Manor/Crown Point Independent and Assisted Living, Plaintiff vs. Sioux County Board of Review, Defendant, lawsuit filed in the Iowa District Court in Sioux County.

Ross Simmelink, County Assessor, met with the Board this date to report that fees for private attorneys defending assessment lawsuits are paid out of the County Assessor's budget.

Robert Hagey, County Treasurer, met with the Board this date to request approval on cancellation of unclaimed checks and approval and a Chairman's signature on a tax resolution.

Motion by Bouma and supported by De Haan to approve and authorize the Chairman to sign the following Trust and Agency Negative Fund Balance Resolution:

RESOLUTION NO. 2004-15

WHEREAS, the recent Iowa Supreme Court ruling ordered a refund of taxes paid for the Tax Years 2000 and 2001

And WHEREAS the amounts of the ordered refunds could create cash flow difficulties or negative balances in individually affected Trust and Agency funds

And WHEREAS such potentially negative balances are contrary to 'generally accepted' practices of county financial account practices

Now THEREFORE, the Sioux County Board of Supervisors does hereby acknowledge that the Sioux County Treasurer may carry a negative balance in the Trust and Agency fund affected by the Court-ordered refund, namely:

City of Orange City
MOC/FV Schools
County General Fund
County Assessor
Public Safety Debt Service
State Bangs
Agricultural Extension Service
Northwest Iowa Community College

Signed and dated this 29th day of June, 2004.

/s/ Mark Sybesma, Chairman
Sioux County Board of Supervisors

ATTEST: /s/ Dennis Lange
Sioux County Auditor

Roll Call on Vote: Bouma, Yes; Beernink, Yes; Sybesma, Yes; Smith, Yes; and De Haan, Yes.

Carried, unanimous in favor.

Motion by Beernink and supported by De Haan to approve and authorize the County Treasurer to cancel the following unclaimed checks issued by the County Treasurer and credit the County General Fund as fees that may be redeemed within one year, upon proper proof of ownership:

<u>Check Number</u>	<u>Dated Issued</u>	<u>Name</u>	<u>Reason Issued</u>	<u>Amount</u>
6061	07-09-02	David Ver Mulm	Refund on Taxes	\$300.00
6144	09-11-02	Iowa DOT	Personal Plate Fee	25.00
6294	01-29-03	Iowa DOT	Personal Plate Fee	<u>25.00</u>
			Total Unclaimed Fees	\$350.00

Carried, unanimous in favor.

Robert Hagey, County, Treasurer, also reported on the annual delinquent tax sale that was held on June 21, 2004.

David Honkomp, Manager of the Northwest Iowa Landfill, met with the Board this date to discuss the contents of a resolution approving the "Local Government Guarantee" financial assurance mechanism for the Northwest IA Solid Waste Agency owned and operated by the Northwest IA Solid Waste Agency. He also requested approval and a Chairman's signature on a resolution and a County

Auditor's signature on a letter from the chief financial officer to meet the financial test criteria for potential closure and post closure costs pertaining to the Northwest Iowa Landfill.

Motion by Bouma and supported by Beernink to approve and authorize the Chairman to sign the following Northwest IA Solid Waste Agency Resolution:

RESOLUTION NO. 2004-16

SIoux COUNTY APPROVING THE "LOCAL GOVERNMENT GUARANTEE" FINANCIAL ASSURANCE MECHANISM FOR THE NORTHWEST IA SOLID WASTE AGENCY OWNED AND OPERATED BY NORTHWEST IA SOLID WASTE AGENCY

THE PURPOSE of this resolution is to approve the "Local Government Guarantee" as the financial assurance mechanism for the Northwest IA Solid Waste Agency.

WHEREAS, Section 455B.306 of the Code of Iowa requires financial assurance instruments for all sanitary disposal projects; and

WHEREAS, the Iowa Department of Natural Resources has adopted Chapter 567-111 of the Iowa Administrative Code, promulgating rules for financial assurance instruments; and

WHEREAS, Chapter 567-111.6 provides for the "Local Government Guarantee" mechanism to be an acceptable financial assurance instrument; and

WHEREAS, Sioux County agrees that if the Northwest IA Solid Waste Agency fails to perform closure or post closure care in accordance with the appropriate plan or permit whenever required to do so or fails to obtain alternate financial assurance within 90 days of intent to cancel, Sioux County will perform or pay a third party to perform closure and/or post closure care or establish a standby trust fund in the name of the Northwest IA Solid Waste Agency or obtain alternate financial assurance; and

WHEREAS, Sioux County meets the requirements of the Iowa Administrative Code 567-111.6(8),

IT IS HEREBY RESOLVED BY THE SIOUX COUNTY BOARD OF SUPERVISORS AND THE NORTHWEST IA SOLID WASTE AGENCY that it is in the best interests of the Northwest IA Solid Waste Agency that financial assurance for closure and post closure care, as is required by Chapter 111 of the Iowa Administrative Code be met through a "Local Government Guarantee" made by Sioux County in conformance with Chapter 567-111.6(8) of the Iowa Administrative Code.

This guarantee will remain in force unless Sioux County sends notice of cancellation by certified mail to the Northwest IA Solid Waste Agency and to the Department of Natural Resources. Cancellation may not occur, however, during 120 days beginning on the date of receipt of the notice of cancellation by Department as evidenced by the return of receipt.

Dated this 29th day of June, 2004.

/s/ Sioux County Board of Supervisors

Northwest IA Solid Waste Agency

Attest: /s/ Dennis Lange
Sioux County Auditor

Roll Call on Vote: Bouma, Yes; Beernink, Yes; Sybesma, Yes; Smith, Yes: and De Haan, Yes.

Carried, unanimous in favor.

Motion by Bouma and supported by Beernink to approve and authorize the County Auditor to sign a letter as chief financial officer that is addressed to the Iowa Department of Natural Resources to meet the financial test criteria for potential closure and post closure costs pertaining to the Northwest Iowa Landfill. Carried, unanimous in favor.

As this was the date and 10:00 o'clock a.m. the time set for hearing on an Iowa Department of Natural Resources Construction Permit Application for an expansion of an existing dairy to add a fourth free stall barn and additional unformed manure storage structure submitted by Stoutjesdyk Dairy, LLC of Maurice and located in the West ½ of the NE1/4 of Section 10 in Sherman Township, said hearing was held according to law.

Mark Dunlop, County Emergency Management Services Director and Zoning Administrator; and Jim Stoutjesdyk and Darcy Stoutjesdyk of Maurice met with the Board this date to review the contents of the aforementioned Iowa Department of Natural Resources Construction Permit Application. He stated that the matrix score was 445.

Eric Walhof, representative for Northwestern State Bank, was present for said hearing.

Mark Dunlop, County Emergency Management Services Director and Zoning Administrator, stated that he received no written or oral objections.

The Chairman closed the hearing.

Motion by De Haan and supported by Beernink to forward a favorable letter of recommendation to the Iowa Department of Natural Resources for a construction permit application submitted by Stoutjesdyk Dairy, LLC of Maurice for an expansion of an existing dairy. Carried, unanimous in favor.

Motion by Bouma and supported by Smith to approve and authorize the Chairman to sign a Class C Liquor License Application including Sunday Sales and Outdoor Service Area for the Rock Valley Golf Club effective August 6, 2004. Carried, unanimous in favor.

The Board discussed the contents of a proposed Commercial Lease and Community Health Agreement with Community Health Partners to provide health services to the residents of Sioux County.

Motion by Bouma and supported by Beernink to table the aforementioned matter on a proposed Commercial Lease and Community Health Agreement with Community Health Partners to provide health services to the residents of Sioux County to the next board meeting to be held on July 13, 2004. Carried, unanimous in favor.

Shane Walter, County Community Services Director, met with the Board this date to request approval and a Chairman's signature on various documents.

Motion by Smith and supported by De Haan to approve and authorize the Chairman to sign a contract award with the Iowa Department of Public Health in an amount of \$6,712.00 to provide substance abuse prevention and related services to include only education, prevention, referral or post-treatment services for fiscal year 2005. Carried, unanimous in favor.

Motion by Beernink and supported by Bouma to approve and authorize the Chairman to sign four contracts with the Iowa Department of Public Health pertaining to the Northwest Iowa Community Empowerment Board and Healthy Families Program. Carried, unanimous in favor.

Motion by Beernink and supported by De Haan to approve and authorize the Chairman to sign two contract amendments with the Iowa Department of Public Health for family wrap around services in the amounts of \$655.00 and \$500.00, respectively. Carried, unanimous in favor.

Doug Julius, County Engineer, met with the Board this date to request approval and a Chairman's signature on various documents.

Motion by Bouma and supported by Beernink to approve and authorize the Chairman to sign the following Road Closure Resolution:

ROAD CLOSURE RESOLUTION NO. 2004-17

- CONSTRUCTION -

We hereby authorize the following roads to be closed for Construction during the 2004-2005 season. The actual date of closure to be determined by the County Engineer and shall be so noted in his office copy on the Resolution.

<u>Road</u>	<u>Date Closed</u>	<u>County Engineer's Signature</u>
		/s/ Mark Sybesma, Chairman Sioux County Board of Supervisors

ATTEST: /s/ Dennis Lange
Sioux County Auditor

Roll Call on Vote: Bouma, Yes; Beernink, Yes; Sybesma, Yes; Smith, Yes; and De Haan, Yes.

Carried, unanimous in favor.

Motion by Smith and supported by De Haan to approve and authorize the Chairman to sign the following document:

Permit Agreement with Southern Sioux County Rural Water of Ireton for a road right-of-way crossing located in Section 17 of Reading Township.

Carried, unanimous in favor.

Doug Julius, County Engineer, reported on the following bid letting results through the Iowa Department of Transportation for Bridge Replacement Project Number BRS-C084(111)--60-84:

<u>Company</u>	<u>Amount</u>
Godbersen-Smith Construction Company	\$264,045.72
Dixon Construction Company	272,135.95
Graves Construction Company	291,710.81

Godbersen-Smith Construction Company exceeded the Iowa Department of Transportation company bidding capacity and was not awarded the contract. The next lowest bidder Dixon Construction Company was awarded the contract in an amount of \$272,135.95 for Bridge Replacement Project Number BRS-C084(111)--60-84.

The Board signed a Certificate of Appreciation for Jim Vlieger of Maurice for his 23 years of service as a weed sprayer and road side mower operator with the Secondary Road Department.

Brad King, marketing representative for Encode-Computer Management Services, met with the date to discuss a financial software upgrade through Eden Corporation of Seattle, Washington to replace the current proposed financial software package by Encode-Computer Management Services in an additional amount of approximately \$20,000.00 for fiscal year 2005.

Micah Van Maanen, County Information Technology Director; and Lois Huitink, County Deputy Auditor, were present for the aforementioned presentation.

It was the consensus of the Board was to defer making a decision to purchase a new upgraded financial software package.

The following persons were present to discuss a proposed water site and rights agreement between the City of Boyden, Lyon & Sioux Rural Water System, County Conservation Board and County Board of Supervisors:

Lori Wolkow, Boyden City Administrator
John Doorenbos, Boyden City Mayor
Reed Grafing, Representative for Lyon & Sioux Rural Water System
Bonnie Koel, Representative for Lyon & Sioux Rural Water System
Reed Grafing, Representative for Lyon & Sioux Rural Water System
Gary Patton, Representative for DeWild Grant Reckert
Gordon Pottebaum, County Conservation Board Member
Rob Klocke, County Conservation Board Executive Director
Steve Hallgren, Planner for Northwest Iowa Planning and Development Commission

Motion by De Haan and supported by Bouma to approve and authorize the Chairman to sign a water site and rights agreement with Lyon & Sioux Rural Water System, City of Boyden and Sioux County Conservation Board. Carried, unanimous in favor.

Steve Hallgren, Planner for Northwest Iowa Planning and Development Commission, met with the Board this date to request approval and a Chairman's signature on a resolution authorizing a joint application to the Iowa Community Development Block Program with Lyon County and the City of Boyden.

Motion by Smith and supported by De Haan to approve and authorize the Chairman to sign the following Joint Application to the Iowa Community Development Program Resolution:

RESOLUTION NO. 2004-18

WHEREAS, Sioux County wants to improve the quality, provision and future delivery of potable water to its residents; and,
WHEREAS, Sioux County in keeping with this commitment to an improved and quality water supply and service to its rural households, has decided that it would be in the best interest of the County to partner with Lyon County and the City of Boyden to continue to support and improve the water distribution system operated by the Lyon and Sioux Rural Water System; and,
WHEREAS, the County does not possess the financial resources to conduct this project without financial assistance; and,
WHEREAS, Sioux County wishes to submit a joint application with Lyon County and the City of Boyden to the Iowa Department of Economic Development under the auspices of the Iowa Community Development Block Grant Program for assistance in achieving the goal of assisting Lyon and Sioux Rural Water System to improve the quality, the delivery and the future service of drinking water to Sioux County's residents; and,
NOW, THEREFORE, BE IT RESOLVED by Sioux County, Iowa, that a joint application to the Iowa Community Development Block Grant Program with Lyon County and the City of Boyden is hereby authorized.

PASSED AND APPROVED this 29th day of June, 2004.

/s/ Mark Sybesma, Chairman
Sioux County Board of Supervisors

ATTEST: /s/ Dennis Lange
Sioux County Auditor

Roll Call on Vote: Bouma, Yes; Beernink, Yes; Sybesma, Yes; Smith, Yes; and De Haan, Yes.

Carried, unanimous in favor.

The Board approved payment of claims as presented by the County Auditor from all departments this date.

The Chairman adjourned the meeting until Tuesday, July 13, 2004.

Mark Sybesma, Chairman
Sioux County Board of Supervisors

ATTEST: Dennis Lange
Sioux County Auditor